



# City of Seattle

## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

January 19, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on January 19, 2006 called to order by Chair Joel Nark at 10:02 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In attendance:

Commission Chair Joel Nark	Mary E. Effertz, Executive Director
Commissioner Herb Johnson	Gary Keese, Assistant City Attorney
Colleen Lafferty, Personnel Dept.	Jeff Slayton, Assistant City Attorney

#### 2. Approval of Minutes:

Minutes from the meeting held December 15, 2005 were reviewed. Commissioner Nark wanted to clarify the language at the bottom of the first page regarding a requested special administration of the sergeant's oral boards. Commissioner Johnson moved to approve the minutes with the Chair's revision, seconded by Commissioner Nark, all in favor and the minutes were approved and signed.

#### 3. Motion to Dismiss: Ariel Vela v. SPD, #05-002

Jeff Slayton, representing Respondent, appeared for oral argument in the Motion to Dismiss. Appellant did not appear, nor was a representative available. Chair Nark tabled the matter to the end of the meeting, giving Appellant more time to appear.

#### 4. Examination Update:

Colleen Lafferty reported that the application period for the entry level firefighter exam is open and will end Jan. 31, noting approximately 1,500 persons have already applied. She also discussed the schedule for study sessions for the written exam at 12 different locations around the area. The video exams are scheduled for February 25 and 26<sup>th</sup>.

#### 5. Case Status Report:

Ms. Effertz reported on the following appeals:

- Dunn v. SPD: An Application for Writ of Review was filed in Superior Court, appealing the Commission's Findings issued 11/30/05. Ms. Effertz will begin preparing the Return to Writ certifying the record in this appeal.
- Charles v. SPD: Appellant's Response to the Motion to Dismiss was received prior to the meeting and copies were distributed to the Commissioners present. Ms. Effertz indicated

she would mail Commissioner Bown's copy to his home. Brief oral arguments will be heard at the next Commission meeting on February 16.

- Ornelas v. SPD: One new appeal was received regarding a suspension. Chair Nark directed staff to set up the prehearing conference for the February meeting.

**5. Budget:**

The Summit Report as of 01/15/06 showing total expenditures at 96% (up from 88% reported last month) overall and at 79% for the total of "Other Charges" (non-personnel services) was reviewed. Ms. Effertz reported the balance available (\$4,460) at year end will be requested to carry over to 2006 to cover unanticipated worker's comp and unemployment expenses.

**6. Boards and Commissions Members Annual Survey:**

Claudia Arana, Office of the Mayor, had requested that all Commissioners fill out the survey about their participation on a City Board or Commission. She will compile the data and report back to the Mayor.

**7. Motion to Dismiss:**

Jeff Slayton presented argument on his Motion to Dismiss based on jurisdictional grounds. Chair Nark advised they would go into deliberation on the matter.

**8. Adjourn to Closed Session:** Chair Nark announced the Commission would go into deliberation for approximately 15 minutes and asked all present to exit the room except for Counsel.

**9. Return to the Record**

Chair Nark announced the Commission has granted the motion to dismiss in Vela v. SPD and that the written decision would be forthcoming

**10. New Business/Old Business:**


- Director Effertz reported a public disclosure request was received from Kathy Mulady of the Seattle Post-Intelligencer regarding travel expenses for 2004 and 2005. Ms. Effertz explained that Public Disclosure Officers of every City department were asked to comply with this request and noted it would not take long for PSCSC to comply since the Commission only attended one conference in Yakima each year.

- Chair Nark stated he would like to know if there are any accessories available to better monitor the digital recording system, to avoid any lapses in recording. Director Effertz noted she could look into it and if necessary, could set up the old system of tape recording for a backup in case the digital recording system goes off.


**11. Adjournment:**

All other business before the Commission having been considered, the Chair adjourned the meeting at 10:41 a.m. The next regular meeting will be held on Thursday, Feb. 16, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

2-16-06  
(date signed)

  
Joel A. Nark  
Commission Chairperson





# City of Seattle

## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

February 16, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on February 16, 2006 called to order by Chair Joel Nark at 10:02 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In attendance:

Commission Chair Joel Nark	Commissioner David Bown
Commissioner Herb Johnson	Mary E. Effertz, Executive Director
Rachael Schade, Personnel Dept.	Gary Keese, Assistant City Attorney
Colleen Lafferty, Personnel Dept.	Mark McCarty, Seattle Police Dept.
Juan Ornelas, Seattle Police Dept.	Darrell Charles, Seattle Police Dept.
Richard O'Neill, Seattle Police Dept.	

#### 2. Approval of Minutes:

Minutes from the meeting held January 19, 2006 were reviewed. Commissioner Johnson moved to approve the minutes as written, seconded by Commissioner Nark, all in favor and the minutes were approved and signed.

#### 3. Prehearing Conferences:

- Darrel Charles v. SPD, PSCSC # 05-008: Darrell Charles represented himself, Mark McCarty appeared for the Seattle Police Department. The schedule was set for the exchange of exhibits and witness lists between the parties due March 15, 2006.
- Juan Ornelus v. SPD, PSCSC # 06-001: Juan Ornelus represented himself, Mark McCarty appeared for the Seattle Police Department. The schedule was set for the exchange of exhibits and witness lists between the parties due March 29, 2006.

#### 4. Examination Update:

- Colleen Lafferty, Exams Analyst, updated the Commission on the progress of civil service exams for the Fire Department. She reported that the application deadline for entry level firefighters was Jan. 31, and that a total of 2,940 applied. She added that exam development for promotionals is complete and on schedule.

#### 5. Case Status Report:

Ms. Effertz reported on the following appeals:

- Vela v. SPD: Order of Dismissal was prepared and signed by the Commissioners pending the Motion to Dismiss.
- Sweetland v. SPD: Appeal was withdrawn and an Order of Dismissal was prepared and signed by the Commissioners.
- Powers v. SPD: Appellant is ready to proceed with pre-hearing conference. The Commissioners directed staff to schedule the conference at the March meeting.

**6. Budget:**

The first Summit Report for 2006 as of 2/14/06 showing total expenditures at 6% overall and at 0% for the total of "Other Charges" (non-personnel services) was reviewed.

The final 2005 Summit Report was reviewed. The amount of carryforward funds to cover unanticipated 2006 expenses for unemployment and workers compensation claims was reduced by \$1,700 because of the transfer to the Civil Service Commission to cover year-end overages. Ms. Effertz reported that the PSCSC agreed to this transfer only if there was reimbursement for 2006. Chair Nark suggested that we follow through with reimbursement so the Commission does not have to request a supplemental in 2006, and Commissioners Johnson and Bown agreed.

**7. Hearing dates scheduled:**

- Charles v. SPD: April 19 in Suite 1660, and if necessary April 20 in Suite 1679.
- Ornelus v. SPD: May 11-12, 2006 in Suite 1679.

**8. New Business:**

- Gary Keese presented a draft policy regarding the extension of certification eligibility for persons on the register who are deployed while on a list. Federal laws dictate the number of eligible days (365) and are not reflected in the PSCSC rules. The Commission suggested Mr. Keese work with the Exams Analysts for clarification in the Rules and to explore whether it will require possible bargaining with the unions.


**9. Adjournment:**

All other business before the Commission having been considered, the Chair adjourned the meeting at 11:13 a.m. The next regular meeting has been rescheduled to Tuesday, March 21, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

3/21/06  
(date signed)

  
Joel A. Nark  
Commission Chairperson



# City of Seattle

## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

March 21, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on Tuesday, March 21, 2006 called to order by Chair Joel Nark at 10:04 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In attendance:

Commission Chair Joel Nark	Commissioner David Bown
Commissioner Herb Johnson- <i>via teleconference</i>	
Mary E. Effertz, Executive Director	
Rachael Schade, Personnel Dept.	Gary Keese, Assistant City Attorney
Colleen Lafferty, Personnel Dept.	Dan Berger, Assistant City Attorney
Susan Rae Sampson	John Powers
J.G. Ballingham	David Clavadetscher
Clay T. Monson	Donnie R. Low
Ross Bartley	Tom Mahaffey
Sean Whitcomb	Raul Angulo
Phillip Jose	Casey Phillips
E. S. Peterson	Rick Verlinda

#### 2. Approval of Minutes:

Minutes from the meeting held February 16, 2006 were reviewed. Commissioner Bown moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

#### 3. Prehearing Conference:

- John Powers v. SPD, PSCSC # 05-010: Susan Rae Sampson appeared on behalf of Appellant, who was also in attendance. Dan Berger, Assistant City Attorney appeared on behalf of the Seattle Police Department. The schedule was set for the exchange of exhibits and witness lists between the parties, with a written order to be issued. Hearing dates were established for July 10-14, and July 17-18.

#### 4. Appeals for Sergeant's Written Exam for Police:

Protests of questions from the written exam for Police Sergeant and responses from the test development committee were provided to Commissioners in advance. Some candidates



appeared to be heard regarding their challenges. Chair Nark announced the Commission would go into closed session at the end of the meeting to deliberate and then announce their decisions on each challenge.

**5. Appeals for Fire Battalion Chief's Written Exam**

Protests of questions from the written exam for SFD Battalion Chief and responses from the test development committee were provided to Commissioners in advance. Many candidates were in attendance to be heard regarding their challenges. All challenges were considered and Chair Nark announced the Commission would go into closed session at the end of the meeting to deliberate and then announce their decisions on each challenge.

**6. Case Status Report:**

Director Effertz reported on the following appeals:

- Terry Dunn v. SPD: The deadline for Superior Court's Order to Show Cause was extended to April 30 (from the previous March 30<sup>th</sup> deadline).
- Darrell Charles v. SPD: The parties have met the discovery schedule and submitted their list of witnesses. The names of the witnesses were read to the Commissioners to determine if there would be any possible conflicts that might require recusal. There were none.

**7. Budget:**

The Summit Report as of 3/13/06 showing total expenditures at 16% overall and at 9% for the total of "Other Charges" (non-personnel services) was reviewed.

**8. Old Business:**

- Dismissal of Complaint: Commissioner Bown moved to attach the Findings issued by the Ethics and Elections Commission dated March 7, 2006 to the Minutes for inclusion into the record. The motion was seconded by Commissioner Johnson, all in favor and the motion passed. There was discussion regarding writing response to the Findings and including the entire "cc" list from Chief Kerlikowske's original complaint. Commissioner Bown suggested the matter be tabled until the next meeting when it could be discussed with the Commission counsel. Commissioner Bown moved that the Chair work with Gary Keese to discuss a draft response, seconded by Commissioner Johnson, all in favor and the motion passed. (*See attached findings*).


**9. Adjourn to Closed Session:**

Chair Nark announced the Commission would go into closed session to deliberate the exam appeals for both police sergeant and fire battalion chief.

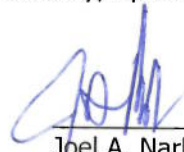
**10. Adjournment:**

The Commissioners returned to the record and Chair Nark announced that the Commission will post the decisions on the appeals and directed staff to forward the results to the Exams Analysts. All other business before the Commission having been considered, the Chair adjourned the meeting at 3:08 p.m. The next regular meeting will be Thursday, April 20, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

4-20-06  
(date signed)

  
Joel A. Nark  
Commission Chairperson



# City of Seattle

## Ethics and Elections Commission

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March 7, 2006

R. Gil Kerlikowske  
Chief of Police  
Seattle Police Department  
610 Fifth Avenue  
P.O. Box 34986  
Seattle, WA 98124-4986

Re: Case No. 05-1-1118-1

Dear Chief Kerlikowske:

On October 31, 2005, you sent a letter to the Public Safety Civil Service Commission (PSCSC), with a copy to this Commission, regarding an alleged disclosure to the media concerning a PSCSC decision that had not yet been made public. You asked the PSCSC to conduct an investigation, stating that the release may have violated the City's Ethics Code.

By letter dated November 9, 2005, the PSCSC asked this Commission to investigate the alleged disclosure. We agreed to do so, making clear that our jurisdiction extended only to the issue whether the Ethics Code was violated, and if so, by whom.

Commission staff interviewed five individuals with intimate knowledge of the PSCSC proceeding: PSCSC Commissioners Herb Johnson, David Brown and Joel Nark; the PSCSC's Executive Director, Mary Effertz; and the PSCSC's attorney, Gary Keese. Commission staff also spoke with Sam Pailca, the Director of the Seattle Police Department's Office of Professional Accountability (OPA); Sergeant Richard O'Neill, president of the Seattle Police Officers' Guild (Guild); and Steve Militech, the *Seattle Times* reporter who allegedly received the "tip." Our investigation failed to yield evidence to support a charge that any individual violated the Ethics Code, and therefore I am dismissing your complaint.

### Facts

On September 21, 2005, the PSCSC heard a police officer's appeal of his thirty-day suspension. After taking evidence, the PSCSC Commissioners, their Executive Director, and their attorney went into executive session to deliberate. The PSCSC decided to reduce the suspension to five days, with PSCSC Chair Joel Nark dissenting on the grounds that he believed even a five-day suspension was excessive. The Commissioners tasked their attorney with drafting the opinion, and the meeting ended. The result was not announced in open session.





On or about October 28, 2005, Steve Militech called the OPA Director and told her that he'd heard that the PSCSC would soon issue its opinion, and that the Guild had learned that they would like the result.

On November 8, 2005, the PSCSC released its opinion reducing the officer's suspension to five days, with a partial dissent from Chairman Nark.

Between November 7, 2005 and November 14, 2005, and again between December 5 and December 9, 2005, the City held an election for one of the three PSCSC positions. Sworn police and uniformed fire employees vote in the election; Commissioner Nark was re-elected.

The Commission staff interviewed Ms. Pailca, who confirmed that she had been contacted by Mr. Militech, and confirmed that he told her that he had heard that the Guild may have been notified that the PSCSC was on the verge of issuing its decision, and that the Guild would like the result. Ms. Pailca did not know who had revealed the information to Militech.

Staff contacted Mr. Militech. Mr. Militech advised that the account of his conversation with Ms. Pailca was accurate. Staff asked Mr. Militech the source of his information. Mr. Militech advised he would discuss the matter with the Seattle Times legal counsel and get back to the Commission staff. By return phone call, Mr. Militech stated that the newspaper's attorneys had advised him not to disclose the identity of his source.

Staff contacted Sergeant O'Neill, who represented the officer at the hearing, and is now the Guild's president. Sergeant O'Neill advised that rumors were circulating during and after the hearing, and that Mr. Militech was present in the corridor outside the closed hearing room. Sergeant O'Neill denied that he was informed of the results of the hearing, or the nature of the results, prior to the release of the written decision.

Staff interviewed the three PSCSC Commissioners, Ms. Effertz, Mr. Keese and a paralegal who assisted Mr. Keese when he was drafting the opinion. All of them denied being Mr. Militech's source, and all of them denied sharing information about the decision with the Guild. None of them had any knowledge that would have implicated one of the others in the alleged disclosure.

## **Conclusion**

After reviewing the investigation by the Commission staff, I have determined that there is insufficient evidence to charge any individual with violating the Ethics Code. Accordingly, by this letter I am dismissing your complaint. You are entitled to appeal this decision to the Commission under Seattle Ethics and Election Commission Administrative Rule 2.6.<sup>1</sup>

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<sup>1</sup> 2.6 Appeal of Executive Director Dismissal Decisions

(1) Upon the written request of a party aggrieved by an Executive Director's decision to dismiss a complaint, the decision may be reviewed by the Commission.

(2) A request for review shall be served at the office of the Commission no later than twenty one (21) days after the date of mailing the decision of which review is sought.



Thank you for bringing this matter to our attention.

Very truly yours,



Wayne Barnett  
Executive Director

cc: Mr. Joel Nark, Chair, Public Safety Civil Service Commission  
Seattle Ethics and Elections Commission

J:\disp\05-1118-1

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- (2) A request for review shall be served at the office of the Commission no later than twenty one (21) days after the date of mailing the decision of which review is sought.
  - (3) A request for review shall state the grounds therefore, and shall be no longer than twelve 8 1/2" x 11" double-spaced pages in length with margins of at least 1" on every side, and no more than twelve characters per inch.
  - (4) When a request for review is served, enforcement of the decision of which reconsideration is sought shall be stayed and the decision shall not be final until the Commission has acted on the request for review.
  - (5) The Commission shall act on the request at the next meeting at which it may be practicable by:
    - (a) deciding whether to review the Executive Director's decision; and
    - (b) if it decides to do so, either affirming, reversing, or amending the decision.
  - (6) In reviewing the Executive Director's decision, the Commission shall base its review on whether the Executive Director had a rational basis for the decision, and shall only reverse or amend a decision to the extent that a rational basis is lacking.



# City of Seattle

## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

April 20, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on Thursday, April 20, 2006 called to order by Chair Joel Nark at 10:05 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In Attendance:

Commission Chair Joel Nark	Commissioner David Bown
Commissioner Herb Johnson	Mary E. Effertz, Executive Director
Gary Keese, Assistant City Attorney	

#### 2. Approval of Minutes:

Minutes from the meeting held March 21, 2006 were reviewed. Commissioner Bown moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

#### 3. Case Status Report:

Director Effertz reported on the following appeals:

- John Powers v. SPD: Discovery schedule has begun and preliminary witness lists have been submitted.
- Juan Ornelus v. SPD: Hearing to be held May 11 and 12.
- Arlandi Muhammad v. SPD: A new appeal was received 4/14/06. Appellant has indicated on the appeals form that he has also filed a grievance. The Commission directed Gary Keese to research the rules regarding election of remedies and perhaps draft language for the Rules update.

#### 4. Budget:

The Summit Report as of 4/15/06 showing total expenditures at 28% overall and at 12% for the total of "Other Charges" (non-personnel services) was reviewed.

The 2007-2008 baseline budget was reviewed and has been increased to \$124,000 in 2007 and \$128,000 in 2008. These figures include the unanticipated unemployment charges.

A memorandum from the PSCSC to the CSC regarding the 2005 year-end transfer of funds was reviewed and approved by the Commissioners. Commissioners Bown and Johnson authorized the Chair to sign on the Commission's behalf.

#### 5. Old Business:

- Commissioner Bown requested an update on the re-write of the Commission's Rules of Practice and Procedure. Gary Keese reported that he is ready to forward a draft of the



proposed rules within a few weeks. When completed, the Commissioners want to review them before placing a Rules Update on the agenda. After the Commissioners have received the draft rule changes and had time to review, it will be placed on the monthly meeting agenda before sending it out to the stakeholders. Mr. Keese also suggested that he could separate the proposed rule changes that are not subject to collective bargaining.

- There was discussion on whether or not to reply to the Ethics Findings in the form of a reply to Chief Kerlikowske's Complaint of October 31, 2005. It was decided that a reply to the Chief should include copies to the people on the "cc" list, as they received a copy of the complaint, but not a copy of the dismissal issued by the Ethics Commission that there was not an ethics violation.
- Financial Interest Statements for public officials were provided to the Commissioners, an annual form required under the City's Ethics code.

**6. Adjourn to Closed Session:**

Chair Nark announced the Commission would go into closed session to deliberate in the appeal of Darrell Charles v. Seattle Police Department.

**7. Adjournment:**

The Commissioners returned to the record at 12:04 p.m. All other business before the Commission having been considered, the Chair adjourned the meeting at 12:04 p.m. The next meeting will be Tuesday, May 2, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

6-15-06  
(date signed)

  
Joel A. Nark  
Commission Chairperson



# City of Seattle

## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

June 15, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on Thursday, June 15, 2006 called to order by Chair Joel Nark at 10:29 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In Attendance:

Commission Chair Joel Nark	Commissioner David Bown ( <i>via teleconference</i> )
Commissioner Herb Johnson	Mary E. Effertz, Executive Director
Gary Keese, Assistant City Attorney	Arlandi Muhammad, SPD
Hector Steele Rojas, NWLC	Mark McCarty, SPD Legal Advisor

#### 2. Approval of Minutes:

Minutes from the meeting held April 20, 2006 were reviewed. Commissioner Johnson moved to approve the minutes as written, seconded by Commissioner Bown, all in favor and the minutes were approved and signed.

#### 3. Prehearing Conference

Arlandi Muhammad v. SPD: Appellant Muhammad appeared with his representative, Hector Steele Rojas, Northwest Law Center. Mark McCarty appeared representing the Seattle Police Department. Both parties agreed the hearing would take one day. The hearing was set for Monday, Sept. 18, 2006. The witness and exhibit lists will be exchanged between the parties on July 7, 2006.

#### 4. Case Status Report:

Director Effertz reported on the following appeals:

- Juan Ornelus v. SPD: Appellant Ornelus was not present. Mark McCarty, representing the Seattle Police Department was present and indicated that the appeal was close to settlement. The Commissioners agreed to postpone the rescheduling of the hearing until the next regularly scheduled meeting.

#### 5. Budget:

The Summit Report as of June 10, 2006 showing total expenditures at 44% overall and at 21% for the total of "Other Charges" (non-personnel services) was reviewed. The category for Inter-Fund Unemployment was at 69%. Ms. Effertz noted that this category would be more on-track once the CSC repays the PSCSC for its 2005 year-end expenditure.



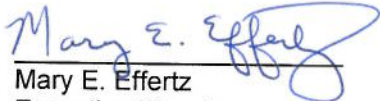
**6. Old Business:**

- Gary Keese reported that he had finished the latest draft of the proposed rules and had forwarded to Commissioner Bown, who is reviewing the draft prior to putting it on the agenda for approval from the full Commission. After the Commission approves any changes in the proposed rules, it will then be forwarded to stakeholders before sending out the notice to all parties.


**6. Adjournment:**

All other business before the Commission having been considered, the Chair adjourned the meeting at 10:46 a.m. The next meeting will be Thursday, July 20, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

8-24-06  
(date signed)

  
Joel A. Nark  
Commission Chairperson



# City of Seattle

## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

August 24, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on Thursday, August 24, 2006 called to order by Chair Joel Nark at 10:05 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In Attendance:

Commission Chair Joel Nark	Commissioner David Bown
Commissioner Herb Johnson	Mary E. Effertz, Executive Director
Rachael Schade, Personnel Dept.	Juan Ornelus, SPD
Colleen Lafferty, Personnel Dept.	Mark McCarty, SPD Legal Advisor

#### 2. Approval of Minutes:

Minutes from the meeting held June 15, 2006 were reviewed. Commissioner Bown moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

#### 3. Examination Update

Colleen Lafferty, Exams Analyst for Fire Department, reported there were no appeals in the promotional oral boards recently given. She added that the promotional registers were released and posted on August 15 for Battalion Chief, Captain and Lieutenant. On July 28, the register for entry level Firefighters was released and posted.

Rachael Schade, Exams Analyst for Police Department updated the Commission that there have been three entry level exams given so far this year and that the number of applicants are dwindling. She also noted that work has begun on the proposed bibliography for Lieutenant and Captain and hope to have it sent out by September 22, with the final on October 23, 2006.

#### 4. Case Status Report:

Director Effertz reported on the following appeals:

- Juan Ornelus v. SPD: Appellant Juan Ornelus was present. Mark McCarty, representing the Seattle Police Department, was present and both parties indicated that they were closer to settlement. The Commissioners requested that the parties notify the PSCSC as soon as settlement is finalized so the appeal can be dismissed.
- John Powers v. SPD: The Commission has 90 days from the closing of the record to issue its Findings, estimated to be October 18, 2006. The E/D will check with counsel upon his return to verify the date the record was closed, if it was in fact the last day of



hearing, which would be July 17, or the date the stipulated testimonies of George Powers and partial testimony of John Powers was filed with the Commission.

- Christopher Hall appeal: Director Effertz provided documentation to the Commissioners regarding a challenge to the Rule that calculates service credit for lateral police officers. Ms. Schade explained that an MOU with Seattle Police Officers Guild was at issue and that they would want to weigh in on any discussion of lateral service credit. The Commissioners agreed to hear the matter at the September 21, 2006 meeting.

**5. Budget:**

The Summit Report as of August 19, 2006 showing total expenditures at 62% overall and at 30% for the total of "Other Charges" (non-personnel services) was reviewed. Director Effertz noted that the funds from CSC in repayment of the 2005 expenditure has been transferred back into PSCSC's account.

**6. New Business:**

- Director Effertz handed out a memo from the Mayor's Office regarding his proposed changes to the Ethics Code pertaining to the City's Boards and Commission volunteers.

**7. Adjourn to Closed Session:**

The Chair announced the Commission would go into closed session for deliberation in the John Powers v. SPD appeal.


**Adjournment:**

The Commission returned to the record at 12:25 p.m., Chair Nark announced they were done for the day and would reconvene at a later date. All other business before the Commission having been considered, the Chair adjourned the meeting at 12:25 p.m. The next meeting will be Thursday, September 21, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

9-21-06  
(date signed)

  
Joel A. Nark  
Commission Chairperson



# City of Seattle

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## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

September 21, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on Thursday, September 21, 2006 called to order by Chair Joel Nark at 10:07 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In Attendance:

Commission Chair Joel Nark  
Commissioner Herb Johnson  
Gary Keese, Assistant City Attorney  
Rachael Schade, Personnel Dept.  
Colleen Lafferty, Personnel Dept.  
Christopher Hall, Seattle Police Dept.

Commissioner David Bown  
Mary E. Effertz, Executive Director  
Dan Berger, Assistant City Attorney  
Mark McCarty, SPD Legal Advisor  
Travis Taylor, Seattle Fire Department

#### 2. Approval of Minutes:

Minutes from the meeting held August 24, 2006 were reviewed. Commissioner Bown moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

#### 3. Budget:

2007-2008 Proposed Budget. Director Effertz provided copies of the PSCSC budget for the next biennium to the Commissioners showing the increases to absorb the unemployment costs. The proposed amount for 2007 is \$125,447 and \$129,470 for 2008.

#### 4. Christopher Hall Request for Service Credit:

Officer Hall questioned the calculation of service credit and requested that his time spent with the New York Police Department be credited and his placement on a Seattle Police Department (SPD) promotional list recalculated accordingly. He argued that the PSCSC rule pertaining to service credit does not preclude service credit for non-SPD time. He contrasted the SPD language to the Seattle Fire Department language that does specify that service credit be given only for time served in the Seattle Fire Department.

Rachael Schade, Exams Analyst, reported that past practice has always been to

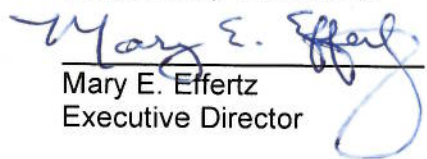


Director Effertz noted that because of a conflict for witnesses in the Muhammad v. SPD hearing, that the hearing dates needed to be changed to Nov. 14-16. The Commissioners said those dates would work for their schedules and directed her to obtain a hearing room for two days of hearing.

**11. Adjournment:**

All other business before the Commission having been considered, the Chair adjourned the meeting at 11:20 a.m. The next meeting will be Thursday, October 19, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

Oct. 19, 2006  
(date signed)

  
Joel A. Nark  
Commission Chairperson



# City of Seattle

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## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson

### Public Safety Civil Service Commission Meeting Minutes

October 19, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on Thursday, October 19, 2006 called to order by Chair Joel Nark at 10:15 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In Attendance:

Commission Chair Joel Nark  
Commissioner Herb Johnson  
Gary Keese, Assistant City Attorney  
Rachael Schade, Personnel Dept.  
Fred Treadwell, HR Director, SPD

Commissioner David Bown  
Mary E. Effertz, Executive Director  
Clark Kimerer, Deputy Chief, SPD  
Mike Fields, Personnel Dept.

#### 2. Approval of Minutes:

Minutes from the meeting held Sept. 21, 2006 were reviewed. Commissioner Bown moved to approve the minutes as written, seconded by Commissioner Johnson, all in favor and the minutes were approved and signed.

#### 3. Captain's Promotional Process for SPD:

Deputy Chief Clark Kimerer briefed the Commission on negotiations with SPMA as the department explores alternative methods for the Captain's promotional process. The Department hopes to implement an assessment center format for the next round of testing in July of 2007. He indicated they are working closely with the union and requested to come back before the Commission at its next meeting with an update.

#### 4. Case Status Report:

Director Effertz reported to the Commission on updates concerning appeals before the Commission.

- PSCSC # 06-001 (Juan Ornelus): Settlement has been reached between the parties and needs to be formalized in writing.
- PSCSC #05-010 (John Powers): Findings were issued in October 12, 2006.
- PSCSC #06-002 (Arlandi Muhammad): Hearing has been rescheduled for Nov. 14 and 16.



- PSCSC #06-003 (Christopher Hall): Gary Keese recommended that Rachael Schade, Exams Analyst, submit a written report regarding past practices to complete the record, and that the Commission take the matter under advisement.

- Brian Boulay request: Mr. Boulay had resigned from Seattle Fire Department and had requested reinstatement to the register, which was granted. The register had since expired and Mr. Boulay has requested reinstatement a second time. He will appear before the Commission on Nov. 16 for a decision in the matter.

**5. Budget:**

The Summit Report as of October 14, 2006 showing total expenditures at 77% overall and at 38% for the total of "Other Charges" (non-personnel services) was reviewed.

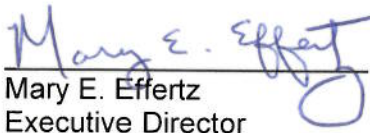
**6. Old Business / New Business:**

- Updates on the Rule-amending process were discussed with Gary Keese, Assistant City Attorney and adviser to the Commission. Electronic copies of the updated Model Civil Service Rules were ordered and received and Director Effertz noted that they were sent out via e-mail to the Commissioners. Commissioner Bown indicated he would be ready to start discussion of the draft rules with Mr. Keese and perhaps be ready to discuss with the other Commissioners at the December meeting.

**11. Adjournment:**

All other business before the Commission having been considered, the Chair adjourned the meeting at 11:05 a.m. The next meeting will be Thursday, November 16, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

11-16-06  
(date signed)

  
Joel A. Nark  
Commission Chairperson



# City of Seattle

## Public Safety Civil Service Commission

Commissioner David C. Bown  
Commissioner Joel A. Nark  
Commissioner Herbert V. Johnson  
Executive Director Mary E. Effertz

### Public Safety Civil Service Commission Meeting Minutes

November 16, 2006

#### 1. Introductions:

The Public Safety Civil Service Commission opened its regular monthly meeting on Thursday, November 16, 2006 called to order by Chair Joel Nark at 10:12 a.m., at the Seattle Municipal Tower, 700 Fifth Avenue, Hearing Room 1679, Seattle, Washington.

#### In Attendance:

Commission Chair Joel Nark  
Commissioner Herb Johnson  
Gary Keese, Assistant City Attorney  
Colleen Lafferty, Personnel Dept.  
Kim Chenault, Personnel Dept.  
Scott Bachler, SPD  
Dori Shimada, SFD

Commissioner David Bown  
Mary E. Effertz, Executive Director  
Clark Kimerer, Deputy Chief, SPD  
Steve Borgstrom, SFD/Local 27  
Greg Anderson, SFD  
Dan Berger, Law Department  
Brian Boulay

#### 2. Approval of Minutes:

Minutes from the meeting held October 19, 2006 were reviewed. Commissioner Johnson moved to approve the minutes as written, seconded by Commissioner Nark, all in favor and the minutes were approved and signed.

#### 3. Captain's Promotional Process for SPD:

Deputy Chief Clark Kimerer updated the Commission and reported that the department has a written agreement with SPMA regarding the assessment center. The process will be formalized in a MOA and budget accommodations have been made. Chair Nark requested a copy of the signed agreement, and Chief Kimerer indicated he would see if a copy from Mike Fields, Labor Relations could be obtained.

#### 4. Reinstatement to Register:

Former Seattle Firefighter Brian Boulay, sworn in by Director Effertz, explained he resigned in September of 2004 and changed his mind and asked to be reinstated to the Register, which was approved shortly after his request. There was no recruit class available during this time and the Register expired after four months. He requested to



be reinstated a second time to the new Register. Steve Borgstrom, representing Local 27, told the Commission that he believes Mr. Boulay's attempts are in good faith, and that he should be added to the new Register. Dori Shimada, SFD Human Resource Dept., said that Chief Dean would like his original approval for reinstatement to stand and that Mr. Boulay be added to the new list.

The Commission adjourned to Closed Session for approximately 15 minutes.

**5. Return to the Record:**

Chair Nark said that after careful consideration that it would make an exception in Mr. Boulay's circumstance, and that it is the decision of the Board and in the best interest of the City to reinstate Mr. Boulay to the current Fire Fighter Register.

**6. Exception Request:**

Lieutenant Scott Bachler, sworn in by Director Effertz, explained that he is requesting an exception to the three year in-grade service requirement so he can be a candidate for Police Captain. Chair Nark said the Commission would take the matter into consideration after hearing from Rachael Schade, who was unable to attend this meeting. The request was tabled.

**7. Case Status Report:**

Commission Attorney Gary Keese discussed the recent Court of Appeals decision in the LaBrec appeal. He noted that the decision is unpublished and can not be cited as precedent in other cases. Attorney Keese noted that any party can request the Court of Appeals publish the decision, including the Commission. He said they may want to consider this, because the decision states that the Commission is the final fact finder regarding similar appeals.

Director Effertz reported to the Commission on updates concerning Commission appeals.

- ♦Superior Court (Terry Dunn): The hearing to show cause had been extended again to December 12, 2006.

- ♦Superior Court (Darrell Charles): The schedule has been set with opening briefs due December 24, 2006.

- ♦PSCSC # 06-001 (Juan Ornelus): Appellant has withdrawn his appeal and an Order of Dismissal was signed by the Commissioners.

- ♦PSCSC #06-003 (Christopher Hall): Rachael Schade had submitted a memorandum in writing regarding past practices and it was distributed to the Commissioners. Chair Nark entered Ms. Schade's memo into the record and stated the Commission considers its order of October 12, 2006 final and the matter closed.

- ♦PSCSC #06-006 (Richard Roberson): Officer Roberson is appealing suspension and the prehearing conference will be set at the December meeting.

**8. Budget:**

The Summit Report as of November 10, 2006 showing total expenditures at 85% overall and at 55% for the total of "Other Charges" (non-personnel services) was reviewed.



## **9. Old Business / New Business:**

Colleen Lafferty, Exams Analyst, came to the Commission regarding some direction from the Commission regarding the 2007 Fireboat Engineer exam because the Chief Seattle fireboat will be out of service at that time, leaving the Alki fireboat the only one available for testing. The Alki is scheduled to be placed permanently out of service at the end of 2007, shortly after a new Fireboat Engineer register would be posted. The new fireboat, the Leschi, has not arrived yet. She stated that, after consultation with the Special Examiner, she would propose extending the current register for two years. Chair Nark wants her to meet with the fire department officials and come back at the next meeting. Steve Borgstrom was asked to weigh in on behalf of Local 27.

## **10. Fireboat Pilot Practical Exam Appeal:**

Greg Anderson appealed the section of the fireboat pilot exam regarding the one-hour time limit that he feels was arbitrary and how the exam time clock was administered. Colleen explained the process and past practices. The Commission adjourned to closed session.


## **11. Return to the Record:**


Chair Nark stated that after careful consideration, the appeal regarding the time limit and how the exam time clock was administered during the fireboat pilot exam is denied.

## **12. Adjournment:**

All other business before the Commission having been considered, the Chair adjourned the meeting at 11:28 a.m. The next meeting will be Thursday, December 21, 2006.

Respectfully Submitted,

  
Mary E. Effertz  
Executive Director

 1-18-06  
(date signed)

  
Joel A. Nark  
Commission Chairperson